

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
)
)
v.) No. 3:10-00004
) JUDGE CAMPBELL
WOODY MEDLOCK, SR., et al.)

ORDER

The Court held a Pretrial Conference in this case on November 21, 2011. At the Conference, the Court ruled on certain pending Motions as follows:

Defendant Woody H. Medlock, Sr's Motion In Limine Number 1 To Disclose Out-Of-Court Statements By Unindicted Co-Conspirators (Docket No. 176) is DENIED, as the Court will follow the procedure used by the district court approved in United States v. Vinson, 606 F.2d 149, 152-53 (6th Cir. 1979), through which the court admitted the hearsay statements subject to later demonstration of their admissibility by a preponderance of the evidence. The burden is on the Government to request that the Court make such a finding.

Defendant Woody H. Medlock, Sr's Motion In Limine Number 5 For Review Of Government's Opening Demonstrative (Docket No. 180) is GRANTED in part, and DENIED in part. On the morning of trial, all parties shall disclose to their adversary or adversaries any visual aids or exhibits they intend to show the jury during the opening statements.

Defendant Woody H. Medlock, Sr's Motion In Limine Number 6 To Exclude Testimony Concerning Total Loss Amount (Docket No. 181) is DENIED, as the Government may introduce evidence regarding the size and scope of the loss amount provided it presents a factual foundation for the evidence. To the extent the Government seeks to introduce such evidence

under Fed. R. Evid. 404(b), the Motion is GRANTED.

Defendant Woody H. Medlock, Sr's Motion In Limine Number 9 To Exclude The Testimony Of Government's Designated Expert Or, In The Alternative, For A Hearing To Determine The Qualifications Of The Government's Designated Expert (Docket No. 184) is DENIED. The Court will not hold a pretrial hearing under Daubert v. Merrell Dow Pharmaceuticals, 509 U.S. 579 (1993), but will permit the Defendants to voir dire the Government's expert witness at trial prior to ruling on any request for the witness to provide opinion testimony under Fed. R. Evid. 702.

Defendant Woody H. Medlock, Sr's Motion In Limine Number 10 For Five Additional Peremptory Challenges (Docket No. 185) is DENIED.

It is so ORDERED.

Todd Campbell
TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE